

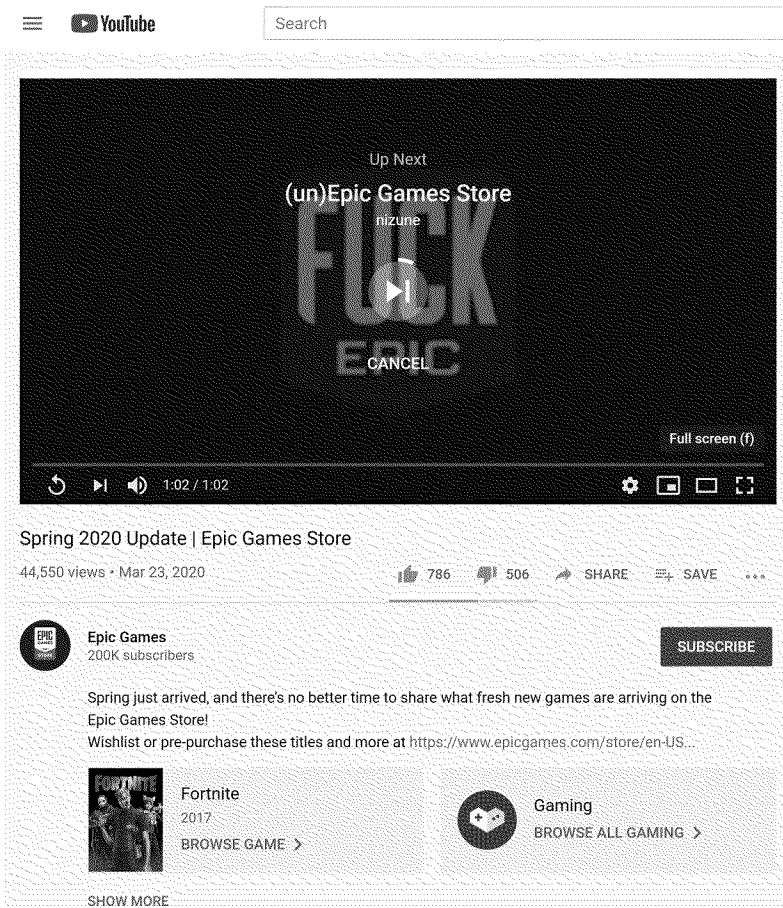
From: Tim Sweeney <@epicgames.com>
To: Donald Harrison <@google.com>
Subject: Re: Fortnite and Android follow-up

Donald,
Are you aware of Google's cross-service curation efforts to present Epic in a bad light? There have been a number of escalations from Epic's general counsel to Google's general counsel that resulted in eventual redress by Google, such as surfacing false and misleading information about our company in a top-level Google-curated results bubble. We encountered no such editorial manipulation by Google until we launched Fortnite outside of Google Play.

Here is the latest:
<https://www.youtube.com/watch?v=ZnLJY0EwsSY>

Our official Epic Games Store video is followed (for all users, across all of the territories we've tried it) with the following any-Epic screed:
<https://www.youtube.com/watch?v=zy9f06K-xbM>

The result is that Epic's official video ends on a static screen saying "Fuck Epic":



Counsel is going to escalate this through proper channels. I just wanted to contact your personally to make sure you understand exactly what your company is doing to ours.

-Tim

On Wed, Mar 25, 2020 at 11:51 PM Donald Harrison <@google.com> wrote:

Hi Tim,

Thank you for your candor over the call and email. As discussed, these topics require careful consideration and cannot be acted on quickly. That being said, I want to make it clear that Android continues to be an open ecosystem, where you have multiple options for distributing your games, including through OEM stores, where your games would continue to be available to users who choose to further safeguard their accounts by using our Advanced Protection Program. There are

no plans to whitelist applications. We would be happy to welcome you to Google Play, if you are willing to comply with our existing policies, which include the use of Google Play's billing system.

Additionally, regarding the allegations you made below and we discussed over the phone, I've looked into these things and don't believe they are supported.

I am committed to keeping the conversation going between our two companies. I appreciate your willingness to do so as well. Let me know if you want to get back on the phone. I hope you are healthy - please stay well - these are difficult times.

Thanks,
Don

On Fri, Mar 20, 2020 at 12:28 PM Tim Sweeney <[REDACTED]@epicgames.com> wrote:

Hi Donald,

I'm still seeking answers to the questions below.

On the topic of what Google calls the "Advanced Protection Program", <https://techcrunch.com/2020/03/18/googles-advanced-protection-program-for-high-risk-users-now-includes-malware-protection/> reports it's launching soon and launching soon and blocks all software not from Google Play from user installation, and provides a cumbersome alternative to install Android software from a PC.

Would Google be willing to provide a white-listing process for unblocking reputable applications from reputable companies, including the Epic Games app and games installed by it?

Tim

On Tue, Mar 3, 2020 at 8:56 PM Tim Sweeney <[REDACTED]@epicgames.com> wrote:

Hi Don,
A few follow-ups.

Google Advanced Protection Program

Is Google going to block Fortnite from Android devices participating in this new "Advanced Protection Program"? See: <https://9to5google.com/2019/12/06/google-advanced-protection-program-block-sideload/>. I realize it's just a rumor article. However this software, which blanket discriminates against competing digital stores, appears to have been developed and reached an advanced state of testing.

For clarity, we fully support legitimate malware protection efforts based on blocking known bad software, known bad sources, and non-cryptographically-secured sources such as approaches described here: <https://www.theverge.com/2020/2/10/21132099/google-chrome-users-block-insecure-downloads-https-android-ios>. However, introducing UX that encourages users to block digital software sources except Google's is plainly a maneuver to harm competitors while masquerading as security.

Google leaks of Epic discussions

Do you plan to share your findings on Google leaking the contents of our private discussion to Abner Li, resulting in the article <https://9to5google.com/2019/12/08/fortnite-android-google-play-store/>? That's just the latest in a series of what I feel are shady press dealings - such as using security analysis as a weapon against Epic here <https://www.androidpolice.com/2018/08/24/google-found-major-security-flaw-android-fortnite-installer-already-fixed/> - an article apparently sourced from Google without acknowledging such.

I remain concerned about <https://www.digitaltveurope.com/2020/02/18/youtube-activision-blizzard-deal-valued-at-us160-million/>. I can find no official announcement about this, just stories resulting from leaks. Around the time of this deal, certain partnership discussions around distribution went quiet without explanation, and we noticed Activision also withdrew all products from NVIDIA's GeForce Now service - curious because publishers on this service have direct relationships with customers and keep 100% of their game's revenue.

Specifically, I'm concerned about what value was actually exchanged here, given that:

1) \$160,000,000 of cash and in-kind cloud services seems to far exceed the value of those esports event rights as informed by own esports dealings on a product that's larger than the combination of all of these Activision products; and

2) after Epic had told Google we intended to launch Fortnite outside of Google Play in 2018, we were invited to a Google discussion with Jamie Rosenberg and Hiroshi Lockheimer who pitched a similar overarching business deal contingent on Epic abandoning our plans to compete with Google Play.

Fortnite Release on Google Play

Will Google give Epic a timeframe in which it will consider accepting Fortnite on Google Play while we solely use Epic's own payment processing systems? Note that we've stated Epic's willingness to pay market rates for appropriate CDN costs associated with software delivery and any other actual costs and reasonable markups associated with operating just the Google Play Store.

-Tim